

## **Memorandum**

**Date:** August 5, 2011

**To:** John Kovash, Mayor  
Members, West Linn City Council

**From:** Chris Jordan, City Manager *ep*

**Subject:** August 8 Agenda and Work Session

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The Council is scheduled to meet on Monday August 8. The agenda for that evening has been revised to indicate that the public art policy is no longer on this agenda and instead will be scheduled for a work session at a later date.

Following the regular meeting, the Council will convene a work session to discuss a Charter amendment proposal. This amendment is proposed by Mr. David Dodds and is attached to this memorandum. Mr. Dodds will be at the work session to present his proposal.

### **Background**

In November 2001, West Linn voters approved an amendment to the Charter which is now Chapter XI. This amendment requires the voter approval of any "unauthorized use" of city owned park or open space. It further required that within 90 days of passage of the amendment, the Council would designate all city-owned property as park, open space or city-owned.

On January 16, 2002, the City Council (with David Dodds as Mayor) adopted an inventory of city-owned properties with designations of each. On January 30, 2004, the Council re-designated certain open space properties to comply with state law governing System Development Charges.

Since that time, three other properties have been re-designated by the City Council and several additional properties have been acquired by the City and designated accordingly. The attached list of actions covering property designations describes these changes.

### **The Proposed Amendment**

Mr. Dodds disagrees with the concept that City Councils can alter the designations that were adopted by the Council in 2002. In 2005, Mr. Dodds filed a lawsuit against the City for changing the designation of a parcel located at 21395 Willamette Drive from "Open Space" to "City-owned". The Circuit Court ruled in the City's favor that designating property was at the discretion of the City Council. Upon Mr. Dodds' appeal, the State Appeals Court agreed with the Circuit Court ruling.

Mr. Dodds' proposed amendment would not make it possible for future Council's to alter designations of property.

**Summary**

Also attached to this memorandum is a map with the inventory of all city-owned property.

Should the Council wish to consider placing this amendment on a future ballot, Council should direct staff to prepare a resolution to do so.

Attachment

(g) It is to be expressly understood that City owned property designated “park” or “open space” pursuant to Chapter XI and specifically section (d) above shall not have such designation removed by the City without first receiving voter approval. Such approval shall consist of a majority of votes cast at a regularly scheduled election in favor of a specific proposal to remove such designation. Each proposal must be voted on separately; however, multiple proposals may be placed on the ballot on the same election day. Each proposal shall include only a single property.

The express intent of this section is to preclude the possibility that the protections afforded City owned property designated “park” or “open space” might have such protection removed by the redesignation of such property and thereby potentially allow the lease, sale, exchange or nonauthorized use of such property without voter approval and as a consequence acting to circumvent the stated and intended protections of this chapter.

(g) ~~It is to be expressly understood that~~ City-owned property designated “park” or “open space” pursuant to Chapter XI, and specifically section (d) above, shall not have such designation removed by the City without first receiving voter approval. Such approval shall consist of a majority of votes cast at a regularly scheduled election in favor of a specific proposal to remove such designation. Each proposal ~~must~~ shall be limited to a single property, and shall be voted on separately; however, multiple proposals may be placed on the ballot ~~on~~ for the same election day. ~~Each proposal shall include only a single property.~~

The express intent of this section is to preclude the possibility that the protection~~s~~ afforded City-owned property designated “park” or “open space” might have such protection removed by the redesignation of such property, without voter approval; and thereby potentially allow the lease, sale, exchange or nonauthorized use of such property without voter approval, and as a consequence, acting to circumvent the ~~stated and~~ intended protections of this chapter.

# West Linn City Owned Property

JUNE 2011

## Legend

### City Property Classification

As adopted by West Linn City Council  
see document listing items

- Park
- Open Space with Trails and Other Assets (OS)
- Open Space Natural Area (OSN)
- Public Facility
- City

### Other Map Elements

- 1/4" City Property Unique ID
- Parks Boundary
- Open Space Boundary
- Other City Assets
- Significant Ownership
- West Linn Watersheds School District
- States of Oregon\*\*
- Portland General Electric
- West Linn Paper
- Blue Horizon Paper
- Camas Valley
- Target Lines
- Buildings
- Ponds
- Rivers
- Paper Plant Industrial Ponds
- Streams
- Paths and Trails
- Roadways
- Private Roadways
- Unimproved Right of Way
- West Linn City Limits
- Metro's Urban Growth Boundary

\*\* Property information from Clatsop County Assessment and Taxation Database  
\*\* Mary S. Young Park is owned by the State of Oregon and transferred to the City of West Linn



**West Linn**  
**GIS**  
Geographic Information Systems

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### REFER TO CITY DOCUMENTS:

- RESOLUTION NO. 2011-08**  
Resolution Date: June 13, 2011  
Map Publication: May 30, 2011
- RESOLUTION NO. 2010-30**  
Resolution Date: August 9, 2010  
Map Publication: October 29, 2010
- RESOLUTION NO. 08-05**  
Resolution Date: December 8, 2008  
Map Publication: January 5, 2009
- RESOLUTION NO. 05-04**  
Resolution Date: February 14, 2005  
Map Publication: February 22, 2005
- RESOLUTION NO. 04-24**  
Resolution Date: December 22, 2004  
Map Publication: January 6, 2005
- COUNCIL APPROVAL**  
Resolution Date: March 7, 2004  
Map Publication: January 30, 2004
- RESOLUTION NO. 02-02**  
Resolution Date: February 4, 2002  
Map Publication: February 4, 2002

### City Property Acreage Totals

West Linn City Limits: 5169 acres (8.07 sq. miles)  
Urban Growth Boundary (West Linn): 5244 acres (8.2 sq. miles)

City Parks: 245 acres  
Mary S. Young Park: 136 acres  
Camasia: 27 acres  
Total Parks: 408 acres

Open Space: 110 acres  
Open Space Natural Area: 29 acres  
Total Parks & Open Space: 547 acres

Public Facilities: 16 acres  
Other City Property: 34 acres



## Timeline of City Property Classifications, Prepared August 2011

DATE	RESOLUTION	ACTION
<b>Late 2001-Early 2002</b>		Draft maps prepared and various property classifications were changed. <i>17 changes: 14 changed from City to Open Space 1 changed from Open Space to Public Facility 1 changed from Open Space to City 1 changed from City to Park (#106, 4979 Summit St, 1916 deed specifies for water use)</i>
<b>January 16, 2002</b>	02-02	Adopted 1 <sup>st</sup> City GIS Map dated February 4, 2002. David Dodds, Mayor
<b>January 30, 2004</b>	For SDC's	Open Space broken into two (2) categories <i>Open Space (OS) and Open Space Natural Areas (OSN) 11 properties changed from OS to OSN</i>
<b>March 3, 2004</b>	Approved Minutes	Hwy 43/Pimlico Qwest easement in City Open Space ( <i>Inventory #60</i> ) <i>Call for an election May 18, 2004 Results: Yes: 4103, No: 2154, passed by 66%</i>
<b>December 22, 2004</b>	04-24	Designating Properties as Open Space. David Dodds, Mayor <i>21E25AD06900 at 21395 Willamette Drive (Mclarty Property) (#236) 21E36CA00158, 21E36CA00159, 21E36CA00119, and 21E36CA00120 on Imperial Drive (#1965, 196, 257, 258) 21E25AA04505 and 21E25AA04534 abutting Willamette View Ct. (#245 &amp; #247) 21E25BA13400 at Pimlico Dr. and Summit St. (#246) No specific map adopted, Section 2 requires Feb. 2002 map be updated</i>
<b>February 14, 2005</b>	05-04	Change property designation from Open Space to City Owned. Norm King, Mayor <i>21E25AD06900 at 21395 Willamette Drive (Mclarty Property) (#236) No specific map adopted, Section 3 requires Feb 2002 map be updated</i>
<b>December 8, 2008</b>	08-48	Change property designations on four (4) properties. Norm King, Mayor <i>31E2BC02837 near 1312 Evah Lane (Change from Open Space to City Owned) (#217) 21E23BC02800 near 1700 Carriage Way (Change from Park to City Owned) (#39) 21E35AC148000 at Haskins Road (Designate as Park) (Douglas Park) (#279) 21E24BB00202 at Cedaroak Drive (Designate as City Owned) (stormwater/riparian residential lot) (#277) No specific map adopted, Section 6 requires Feb. 2005 map to be updated</i>
<b>August 9, 2010</b>	2010-30	Designates the White Oak Savanna as Park. John Kovash, Mayor <i>City Property inventory numbers 286 and 287 on large-scale attached site map Specifies that the current city property inventory will be effective on the same date as the res.</i>
<b>June 13, 2011</b>	2011-08	Designates two (2) parcels as City Owned. John Kovash, Mayor <i>City Property inventory numbers 288 (Parker Rd. adjacent to Tanner Creek Park) and 289 (1698 Dodge Way, residential lot). URL given to on-line map (June 2011 version) Specifies that the current city property inventory will be effective on the same date as the res.</i>
<b>November 2, 2010</b>	Election	Part of Willamette Park to be used for street widening (#218) <i>Right-of-way area: 2469 square feet Election Results: Yes: 7649, No: 4032, passed by 56%</i>
<b>Other since initial adoption</b>		Various other additions have been made to city property inventory <i>Mostly new properties dedicated in new subdivisions as City One (1) dedication as Open Space (Renaissance Ridge II, #206, 3.9 acres) Other misc previously unknown city-owned properties discovered during GIS updating over the years.</i>